

United States District Court  
Southern District of Texas  
FILED

MAY 01 2017

Clerk of Court

UNITED STATES DISTRICT COURT

SOUTHERN

DISTRICT OF

TEXAS

UNITED STATES OF AMERICA  
V.

CRIMINAL COMPLAINT

Case Number: M-17-0793-M

<sup>2010</sup>  
Nicholas John ~~ZOTO~~ USC, YOB 1969

I, Jesus C. Sanchez, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about April 30, 2017 in Starr County, in the Southern District of Texas the defendant(s) did, Conspire, possess with intent to distribute 25.0 kilograms of cocaine, a schedule II controlled substance, and attempted to import a controlled substance into the United States,

in violation of Title 21 United States Code, Section(s) 841, 846, 952.

I further state that I am a(n) Homeland Security Investigations Task Force Officer and that this complaint is based on the following facts:

See Attachment "A"

Continued on the attached sheet and made a part of this complaint: ☒ Yes ☐ No

*approved by [Signature]*

Signature of Complainant

Luis A. Ozuna, HSI TFO

Printed Name of Complainant

Sworn to before me and signed in my presence,

May 1, 2017  
Date

at

McAllen, Texas  
City and State

U.S. Magistrate Judge, Dorina Ramos  
Name and Title of Judicial Officer

*[Signature]*  
Signature of Judicial Officer

**Attachment "A"**

Before the United States Magistrate Judge, Southern District of Texas, I, Luis A. Ozuna, Task Force Officer (TFO) of the United States Immigration and Customs Enforcement, Homeland Security Investigations, being duly sworn, depose and say the following:

On April 30, 2017, HSI TFO Luis Ozuna received information from a Rio Grande City, Texas CBP POE Officer that Nicholas John ZOTOS attempted earlier to enter the United States traveling in a white Dodge Ram 1500. ZOTOS was detained after CBP Officers discovered anomalies within the tires after his vehicle was x-rayed. Twenty (20) packages containing a white powdery substance were found in the void of the four tires of the pick-up truck.

At primary inspection, ZOTOS told the Primary Inspection Lane CBP Officer that he went to Camargo, Tamaulipas, Mexico to take photographs of Mexican restaurants because he wanted to have ideas for a restaurant that he plans to open. The CBP Officer referred him to the secondary inspection area for further inspection and questioning.

At secondary, CBP Officers conducted a non –intrusive inspection of Dodge Ram pick-up utilizing the CBP x-ray system. Operators discovered anomalies within the tires of the vehicle. Further inspection of the tires on the vehicle revealed makeshift aluminum containers welded to the rims of each tire. The aluminum containers were opened using a metal cutting saw where CBP Officers discovered twenty (20) bricks wrapped with duct tape. Each brick contained a white powdery substance that later tested positive for cocaine.

SA Jesus C Sanchez and HSI TFO Ozuna read Nicholas John ZOTOS his Miranda rights in the English language. ZOTOS stated he understood his rights and initialed the "notice of rights" form. ZOTOS agreed to answer questions without an attorney present and signed the form waiving his right to legal counsel.

During the interview, ZOTOS stated the following:

- He stated he answered a Facebook ad that was soliciting drivers. When he responded to the ad, a female with the name of "POPZ LAVADENZ"

answered his response stating that through this job he would get paid \$5,000 to drive to Mexico and come back to the United States.

- POPZ introduced “ALEJANDRO” and “NANO” to ZOTOS. Shortly after meeting, they all drove to Houston, Texas where ZOTOS was asked to purchase and register the Dodge Ram 1500 pick-up under his name. ZOTOS stated “NANO” provided him with \$12,000 USD to purchase vehicle. [Receipt of the purchase of the pickup was discovered in the pickup truck.]
- ZOTOS stated that he was asked by NANO to bring the truck to Laredo, Texas. When he arrived in Laredo, ZOTOS picked up NANO and traveled to Rio Grande City, Texas. Once there, NANO asked to be dropped off at a nearby parking lot where he would walk to Mexico. NANO also ordered ZOTOS to drive the pick-up across the POE into Mexico and wait for him to arrive.
- They both drove to a restaurant in Mexico, where they entered and sat down to eat. ZOTOS stated while they ate inside, an unknown subject took the truck and left. After the truck was returned, NANO ordered him to take the truck back to the U.S. NANO told ZOTOS to wait for him at the parking lot where he had been dropped off earlier.

During the interview, ZOTOS gave consent to the investigators to search his cell phone. Investigators discovered texted audio messages between ZOTOS and POPZ about the job solicitation, where she explained the process that ZOTOS would be introduced to the boss and discuss a vehicle purchase that would be used to transport “loads” from Mexico into the U.S. In one message, POPZ stated that ZOTOS would make a lot of money and get a free vehicle out of it.